

# Access to Riha's CIA files refused

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A federal judge Tuesday refused to order the CIA to permit further inspection of its files on missing professor Thomas Riha.

U.S. District Judge Richard P. Matsch said he believed the CIA had acted in good faith in refusing a request by Riha's nephew to get more information from the files.

The nephew, Zdenek Cervený of Boulder, sought the data under the Freedom of Information Act, but Matsch said he had no reason to doubt reasons given for the refusal. CIA Director Stansfield Turner had contended that further release of CIA material could endanger national security and the lives of persons named in the files.

Riha, an associate professor of Russian history at the University of Colorado, disappeared from Boulder nearly nine years ago.

THE HUBBUB which followed included speculation about local FBI and CIA knowledge of his disappearance. The case led to dissension between the two agencies and reportedly resulted in temporary termination of communication between them during the Nixon administration.

The CIA file, parts of which have been disclosed, includes a reported sighting of Riha in Czechoslovakia in 1973, and a re-

port from military intelligence that Riha was sighted in Canada in 1971.

Riha's nephew had requested that the sources of these sightings be identified. They were deleted in copies of CIA documents given to Riha's nephew.

The CIA refused, saying further disclosure could endanger national security or the lives of the original informants.

In December, Riha's nephew asked Matsch to inspect the CIA files himself to determine whether more could be told about the missing professor.

IN REFUSING to demand to see the CIA files, Matsch said he lacked the knowledge necessary to judge whether or not certain facts would jeopardize national security.

In his nine-page opinion, Matsch said the CIA director had reviewed the records personally, and said further disclosure would not aid in finding Riha. Matsch also observed that the CIA had "taken the extraordinary step of requesting permission from its source to release identifying information, which ... was denied."

Martin D. Buckley, attorney for Riha's nephew, argued in court that the CIA had admitted it didn't know whether all information in its files regarding Riha's whereabouts had been disclosed.

"Given the volume and complexity of the records kept by the CIA, there can be no absolute certainty that everything touching

and concerning any specific subject has been located," Matsch said. "The Freedom of Information Act does not require an absolute guarantee of an exhaustive exhumation of records. The duty is to make a good-faith effort to conduct a search using methods which can reasonably be expected to produce the information requested."

MATSCH SAID he believed the CIA had met that requirement.

In addition to endangering the lives of informants, disclosure of the files might damage the reputations of those mentioned in them, Matsch said.

"A moment's reflection upon recent political history and the excesses of the internal security investigations in the 1950s should be sufficient to signal caution in dealing with unverified derogatory material within the files of an intelligence-gathering agency of government," Matsch wrote.

"Indiscriminate public disclosure of such material in response to a citizen's FOIA request would be as much an abuse of agency authority as an intentional release designed to damage persons. The impact on the individual is the same."

Matsch said his decision was influenced by the fact that a committee of the U.S. Senate had reviewed the Riha incident and continued to keep the information classified.